

Illinois, the Northern District of Georgia, and the Northern District of Ohio filed libels against 26 bags of Brazil nuts at Charleston, W. Va., 42 bags at Philadelphia, Pa., 33 bags at Logan, W. Va., 77 bags at Bluefield, W. Va., 8 bag at Richlands, Va., 10 bags at Providence, R. I., 220 bags at Pittsburgh, Pa., 11 bags at Seattle, Wash., 96 bags at Hawthorne, N. J., 194 bags at Jacksonville, Fla., 54 bags at Chicago, Ill., 15 bags at Cicero, Ill., 34 bags at Atlanta, Ga., 15 bags at Charlotte, N. C., and 73 bags at Cleveland, Ohio, each bag containing 100 pounds of Brazil nuts, 36 40-pound baskets of Brazil nuts at Passaic, N. J., and 53 25-pound boxes of mixed nuts at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about September 26 to October 29, 1942, by Wm. A. Higgins & Co., Inc., from New York City, N. Y., and Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of a decomposed substance. The articles were labeled in part: (Bags) "Holly New Crop Large Washed Brazil Nuts * * * Net Wgt. 100 Lbs.," or "Sun Glo Brand Mixed Nuts."

Between November 13, 1942, and April 12, 1943, decrees of condemnation were entered. Wm. A. Higgins & Co., Inc., having appeared as claimant for those lots located at Pittsburgh, Pa., Hawthorne, N. J., and Jacksonville, Fla., and the Southern Fruit Co., Inc., having appeared for the lot located at Charlotte, N. C., these lots were ordered released under bond for segregation and destruction of the unfit nuts under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lots, portions were ordered destroyed and the remaining portions were ordered distributed to charitable institutions since they were in part fit for human consumption.

4683. Adulteration of walnut meats. U. S. v. 89 Cartons, 292 Cartons, and 100 Cartons of Walnut Meats. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 9582. Sample Nos. 18529-F to 18531-F, incl.)

This product was insect-infested as shown by insect cutting and excreta and webbing.

On March 18, 1943, the United States attorney for the Southern District of New York filed a libel against a total of 481 cartons, each carton containing 25 pounds, of walnut meats at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 31, 1942, and February 4, 1943, by the Whittier Walnut Packing Co., from El Monte, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 11, 1943, Wm. A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for hand-picking so as to remove from the product all unfit nuts and destroying them, under the supervision of the Food and Drug Administration.

4684. Adulteration of pecan pieces. U. S. v. Lonnie V. Ellis (Ellis Pecan Co.). Plea of guilty. Fine, \$50 on each of counts 1 and 2, \$500 on count 3. Fine on count 3 suspended and defendant placed on probation for 1 year. (F. D. C. No. 7748. Sample Nos. 71980-E, 94112-E, 2610-F.)

Samples of this product were found to be polluted with fecal matter and to contain larvae and mold growth, larvae head capsules, and an insect.

On December 21, 1942, the United States attorney for the Northern District of Texas filed an information against Lonnie V. Ellis, trading as Ellis Pecan Co., at Fort Worth, Tex., alleging shipment in interstate commerce within the period from on or about February 25 to July 7, 1942, from the State of Texas into the States of Missouri and Kansas of quantities of pecan pieces that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On February 24, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50 on each of counts 1 and 2. A fine of \$500 was also imposed on count 3 but was suspended and the defendant placed on probation for a period of 1 year on condition that he clean up his plant.

4685. Adulteration of shelled pecans. U. S. v. Howard Dasher (Dasher Pecan Co.). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 7319. Sample Nos. 70353-E, 84250-E.)

This product contained evidence of fecal pollution, rodent hairs, and other filth.

On August 5, 1942, the United States attorney for the Middle District of Georgia filed an information against Howard Dasher, trading as Dasher Pecan Co. at Valdosta, Ga., alleging shipment on or about January 31 and March 17, 1942 from the State of Georgia into the States of Florida and New York of quantities of shelled pecans that were adulterated in that they consisted in whole or part of filthy substances.

On February 26, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$200.

4686. Adulteration of shelled pecans. U. S. v. 32 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 9580. Sample No. 18532-F.)

Examination of this product showed the presence of moldy or decomposed, rancid, shriveled, and insect-cut nuts containing insect excreta.

On March 19, 1943, the United States attorney for the Southern District of New York filed a libel against 32 60-pound cartons of shelled pecans at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6 and 13, 1943, by the Associated Pecan Co. from Valdosta, Ga.; and charging that it was adulterated in that it consisted in whole or part of a filthy and decomposed substance. The article was labeled in part: "Health Food, Nature's Vitamins, * * * South Georgia Pecan Co., Valdosta, Ga."

On May 5, 1943, I. Grob & Co. of New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

4687. Adulteration of shelled peanuts. U. S. v. 29 Bags of Shelled Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 8712. Sample No. 12424-F.)

This product was infested with live worms, insect-cut or tunneled, and contaminated with webbing and excreta.

On November 12, 1942, the United States attorney for the Western District of Washington filed a libel against 29 100-pound bags of shelled peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by the Edenton Peanut Co. from Edenton, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "No. 2 Virginia Tea Party Brand Shelled Peanuts."

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

4688. Adulteration of peanuts. U. S. v. 60 Bags of Shelled Raw Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 8338. Sample No. 12137-F.)

This product was decomposed, moldy, dirty, and insect damaged.

On September 12, 1942, the United States attorney for the Western District of Washington filed a libel against 60 100-pound bags of shelled raw peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 15, 1942, by the C. S. Carter Shelling Plant from Camilla, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On December 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4689. Adulteration and misbranding of peanut butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$200. (F. D. C. No. 8755. Sample Nos. 92484-E, 92485-E, 93519-E.)

This product contained rodent excreta, rodent hairs, and dirt, and portions were short of the declared weight.

On January 7, 1943, the United States attorney for the Northern District of Texas filed an information against Swift & Co., a corporation, Fort Worth, Tex., alleging shipment on or about February 10 and March 24, 1942, from the State of Texas into the States of Oregon, Washington, and Arizona of quantities of peanut butter that was adulterated and misbranded. The article was labeled in part: "Jane Goode Peanut Butter 2 Lbs. Net Weight [or "1 Lb. Net Weight," or "1 Lb. 8 Oz. Net"]."